

**EDUCATION DEPARTMENT[281]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

2008 Iowa Acts, Senate File 2425, division XI, created the "Healthy Kids Act." Specifically, these proposed rules implement section 142 of the legislation and its mandate of minimum time periods of physical activity for elementary and secondary pupils, as well as its mandate that every pupil who is physically able to do so complete a certification course for cardiopulmonary resuscitation by the end of grade 12. The Department intends that these amendments become effective July 1, 2009.

The proposed amendment in Item 1 adds a definition of "physical activity," clarifying that the concept includes more than components of the physical education model.

The proposed amendment in Item 2 includes the statutory exemption for both the physical activity requirement and the cardiopulmonary resuscitation course completion requirement.

The proposed new subrules in Item 3 describe the physical activity requirement and the cardiopulmonary resuscitation course completion requirement.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before 4:30 p.m. on February 3, 2009. Comments on the proposed amendments should be directed to Kevin Fangman, Division Administrator, Iowa Department of Education, Third Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-3333; E-mail [kevin.fangman@iowa.gov](mailto:kevin.fangman@iowa.gov); or fax (515)281-7700.

A public hearing will be held on February 3, 2009, from 2:30 to 4 p.m., originating in the ICN Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281-5295. The remote ICN sites are as follows:

Keystone Area Education Agency 1  
1400 2nd Street NW  
Elkader

Northwest Area Education Agency  
Room 103  
1382 4th Avenue NE  
Sioux Center

Heartland Area Education Agency 11  
6500 Corporate Drive  
Johnston

Loess Hills Area Education Agency 13  
24997 Hwy 92  
Council Bluffs

North Iowa Area Community College  
Room 106, Activity Center  
500 College Drive  
Mason City

Green Valley Area Education Agency 14  
Turner Room  
1405 N Lincoln  
Creston

Northwest Area Education Agency  
Room 206  
1520 Morningside Avenue  
Sioux City

Great Prairie Area Education Agency  
2814 N Court Street  
Ottumwa

Great Prairie Area Education Agency  
3601 West Avenue  
Burlington

Area Education Agency 267  
Room 2102, Wolfe Education Ctr.  
3405 S Center Street  
Marshalltown

Keystone Area Education Agency 1  
Room 2  
2310 Chaney Rd.  
Dubuque

Cedar Falls Public Library  
524 Parkade  
Cedar Falls

River Bend Area Education Agency 9  
Louisa Room  
729 21st Street  
Bettendorf

Fort Dodge Public Library  
424 Central Avenue  
Fort Dodge

Two ICN sites are tentative only; the reader is advised to check with these locations:

Area Education Agency 8  
500 NE 6th Street  
Pocahontas  
(712)335-3588

Kirkwood Community College  
Room 203B, Linn Hall  
6301 Kirkwood Blvd. SW  
Cedar Rapids  
(319)398-5452

These amendments are intended to implement 2008 Iowa Acts, Senate File 2425, sections 142 and 145.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definition in rule **281—12.2(256)**:

“*Physical activity*” means any movement, manipulation, or exertion of the body that can lead to improved levels of physical fitness and quality of life.

ITEM 2. Amend subrule 12.5(6) as follows:

**12.5(6)** ~~*Physical education and health courses exemption*~~ *Exemption from physical education course, health course, physical activity requirement, or cardiopulmonary resuscitation course completion.* A pupil shall not be required to enroll in ~~either a physical education or health courses course~~ if the pupil’s parent or guardian files a written statement with the school principal that the course conflicts with the pupil’s religious beliefs. A pupil shall not be required to enroll in a health course if the pupil’s parent or guardian files a written statement with the school principal that the course conflicts with the pupil’s religious beliefs. A pupil shall not be required to meet the requirements of subrule 12.5(19) regarding physical activity if the pupil’s parent or guardian files a written statement with the school principal that the requirement conflicts with the pupil’s religious beliefs. A pupil shall not be required to meet the requirements of subrule 12.5(20) regarding completion of a cardiopulmonary resuscitation course if the pupil’s parent or guardian files a written statement with the school principal that the completion of such a course conflicts with the pupil’s religious beliefs.

ITEM 3. Adopt the following **new** subrules 12.5(19) and 12.5(20):

**12.5(19)** *Physical activity requirement.* Subject to the provisions of subrule 12.5(6), physically able pupils in kindergarten through grade five shall engage in physical activity for a minimum of 30 minutes each school day. Subject to the provisions of subrule 12.5(6), physically able pupils in grades six through twelve shall engage in physical activity for a minimum of 120 minutes per week in which there are at least five days of school.

a. This requirement may be met by pupils in grades six through twelve by participation in the following activities including, but not limited to:

- (1) Interscholastic athletics sponsored by the Iowa High School Athletic Association or Iowa Girls High School Athletic Union;
- (2) School-sponsored marching band, show choir, dance, drill, cheer, or spirit activities;
- (3) Non-school gymnastics, dance, team sports, individual sports; or
- (4) Similar endeavors that involve movement, manipulation, or exertion of the body.

b. When the requirement is to be met in full or in part by a pupil using one or more non-school activities, the school or school district shall enter into a written agreement with the pupil. The agreement shall state the nature of the activity and the starting and ending dates of the activity and shall provide sufficient information about the duration of time of the activity each week. The agreement shall also be signed by the building principal or principal's designee and by at least one parent or guardian of the pupil if the pupil is a minor. The pupil shall sign the agreement, regardless of the age of the pupil. The agreement shall be effective no longer than one semester or the equivalent thereof. There is no limit to the number of agreements that a school or school district may have with any one pupil during the enrollment of the pupil.

c. In no event may a school or school district reduce the regular instructional time, as defined by "unit" in subrule 12.5(14), for any pupil to enable the pupil to meet the physical activity requirement. However, this requirement may be met by physical education classes, activities at recess or during class time, and before- or after-school activities.

d. Schools and school districts must provide documentation that pupils are being provided with the support to complete the physical activity requirement. This documentation may be provided through printed schedules, district policies, student handbooks, and similar means.

**12.5(20) *Cardiopulmonary resuscitation course completion requirement.*** Subject to the provisions of subrule 12.5(6), at any time prior to the end of twelfth grade, every pupil physically able to do so shall have completed a psychomotor course that leads to certification in cardiopulmonary resuscitation. A school or school district administrator may waive this requirement for any pupil who is not physically able to complete the course. A course that leads to certification in CPR may be taught during the school day by either a school or school district employee or by a volunteer, as long as the person is certified to teach a course that leads to certification in CPR. In addition, a school or school district shall accept certification from any nationally recognized course in cardiopulmonary resuscitation as evidence that this requirement has been met by a pupil. A school or school district shall not accept auditing of a CPR course, nor a course in infant CPR only. This subrule is effective for the graduating class of 2011-2012.